

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	)	
Greg Swords	)	
	)	Art Unit: 3774
Serial No. 10/517,843	)	
	)	
Filed: July 12, 2005	)	Examiner: Suba Ganesan
	)	
For: Craniofacial Implant	)	Attorney Docket No.: 37370/339252

DECLARATION OF ASA MORTON, MD

1. My name is Asa Morton. I am over the age of 21, and I am competent to make this declaration based upon my personal knowledge.
2. I am a surgeon who uses the TITAN™ implant, which I understand is the product made according to the above-referenced application.
3. The TITAN™ implant is a porous polyethylene matrix having a metal mesh embedded therein. In some versions of the implant, there is a barrier coating on one or both sides. The TITAN™ implant provides clear and distinct benefits over other craniofacial implants previously on the market.
4. First, porous polyethylene implants for orbital reconstruction *without* a surgical grade metal mesh do not always meet my needs because they do not provide adequate strength needed for certain surgeries, they are not always malleable, they have less shape memory than metal mesh alone, and they are not readily visualized on postoperative radiographs or CT scans. Second, metal mesh alone (not contained within a sheet of thermoplastic resin)

does not always meet my needs because it does not allow for cellular ingrowth, it does not provide a smooth solid barrier surface, which is sometimes needed to completely prevent passage of fluids and other biological matter, and it can be difficult to insert through small incisions because of its sharp or irregular edges.

5. When the TITAN™ implant was introduced, it was the first product on the market to combine porous polyethylene and titanium mesh into one implant by embedding the mesh within polyethylene, obtaining the benefits of both materials.

6. Upon its introduction, I was (and I continue to be) quite pleased with the features that the TITAN™ implant provides. It combines strength and flexibility, so that I can bend the implant and it maintains its shape. It also provides different options – implants that allow fibrovascular ingrowth on both sides (porous/porous), fibrovascular ingrowth on only one side (porous/barrier), or preventing ingrowth completely (barrier/barrier). I currently use the TITAN™ implant in almost all of my reconstruction surgeries.

7. My decision to use (and continue to use) the TITAN™ implant is not influenced by cost, advertising, my relationship with Porex, nor any other economic or commercial factors. I choose to use TITAN™ implants because the features they provide are highly superior to any other product on the market. The combination of porous polyethylene with a surgical grade metal mesh embedded therein is why I (and many of my colleagues) continue to purchase and use the TITAN™ implant.

8. As the person signing below, I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false

statements and the like so made are punishable by fine or imprisonment, or both, under  
§ 1001 of Title 18 of the United States Code.

**Dated:** 25 August, 2008



**Name:** Asa Morton

**Citizenship:** USA

**Post Office Address:**

3939 Third Ave

San Diego, CA 92106



### ASA D. MORTON, M.D.

Asa Morton, M.D., a native San Diegan, received his undergraduate degree from Revelle College, University of California, San Diego. Prior to pursuing a career in medicine he took time to fulfill a childhood dream of flight and served five years as a Navy jet pilot. Having realized his dream of flight Asa Morton, M.D. was able to pursue his medical training. He received his medical degree from the Uniformed Services University of the Health Sciences, F. Edward Herbert School of Medicine, Bethesda, Maryland. During this time he was honored with selection to the prestigious Omega Alpha Honor Medical Society, later serving as President of the local chapter. Upon graduation Asa Morton, M.D. was awarded the Surgeon General Award for academic excellence, medical professionalism and leadership skills.

Asa Morton, M.D. completed his internship and ophthalmology residency training at the Naval Medical Center San Diego, during which he was selected as the Intern of the Year. Upon completion of his residency Asa Morton, M.D. was assigned to the Naval Hospital Roosevelt Roads, Puerto Rico, where he ran the Ophthalmology Department. Selected for the highly competitive University of Michigan program (Go Blue), Asa Morton, M.D. spent 2 years studying and operating with innovators in the field of Reconstructive and Aesthetic Surgery of the eyelids, forehead, face, orbits and lacrimal system.

Asa Morton, M.D. served as the Director of Oculoplastics and Orbital Reconstruction, National Naval Medical Center, Bethesda, Maryland, more commonly known as the "President's Hospital". At present he is an Assistant Professor of Surgery at the Uniformed Services University.

\*Dr. Morton is committed to volunteering on various humanitarian surgical missions and education programs for medical providers in developing nations. Over the past decade he has served as both teacher and surgeon in Pakistan, India, Brazil, Mexico and Guatemala. Asa Morton, M.D. is certified by the American Board of Ophthalmology and is a fellow of the American Society of Ophthalmic Plastic and Reconstructive Surgeon.

Asa Morton, M.D. brings this extensive training and experience to Eye Care of San Diego / California Laser Vision Inc., offering Facial Rejuvenation services.

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